

### **REMARKS**

This Amendment is submitted in response to the Office Action mailed on May 9, 2008. Claims 1-3 and 5-7 are pending. Claim 1 has been amended. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

#### **Amendments to the Specification**

Applicant has amended the specification to describe the arrangement of the anode tab 30 and insulating tape 36 shown in Fig. 1 of the application. As shown in Fig. 1, the anode tab 30 is positioned on a first side 32 of the anode strip 22. The insulating tape 36 is illustrated with hidden lines where it overlies strip 22 because it is positioned on a second side 34 (Fig. 2) of the anode strip 22. As apparent from Figs. 1 and 2, the insulating tape 36 is absent from the first side 32 of the anode strip 22. The amended specification describes this structural arrangement by stating that the “insulating tape 36 overlies the area of the anode tab 30, but is positioned on the opposite side 34 of the strip 22 from the anode tab 30. Thus, the anode tab 30 is attached to the anode 11 without any of the insulating tape 36 overlying or covering the anode tab 30 on the first side 32.” Because this statement merely describes the structural arrangement shown in Fig. 1, Applicant respectfully submits that the amendment to the specification does not add any new matter. Additional support for the amendment can also be found on at least p. 2, lines 20-22 of the application.

**Rejections under 35 U.S.C. § 112**

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1, which is the only independent claim of this group, previously recited that claimed cell includes “insulation tape attached to only a second side of said anode opposite said anode tab.” Although Applicant intended for such language to refer to the insulating tape 36 overlying the anode tab 30, the Examiner pointed out that Figs. 1 and 2 of the application show insulating tape 48 on both sides of the strip 22 at the distal end 46. *See* Official Action mailed April 4, 2008, p. 2.

Applicant has amended claim 1 to clarify the relationship between the claimed insulation tape and anode tab. Specifically, amended claim 1 now recites that the cell includes: “insulation tape attached to said anode, wherein said anode tab is attached to said anode without any of said insulation tape overlying said anode tab on said first side.” Like the amendment to the specification discussed above, this amendment merely describes the structural arrangement shown in Fig. 1 of the application. Accordingly, Applicant respectfully submits that claim 1, as amended, fully complies with 35 U.S.C. § 112, first paragraph. Therefore, Applicant requests that the rejection of claim 1 and its dependent claims 2-3 and 5-7 under 35 U.S.C. § 112 be withdrawn.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,354,629 to Kuroda et al. (“Kuroda”) in view of the Background Section of the present specification (“Applicant’s Background Section”) and further in view of U.S. Pat. No. 4,482,615 to Rosansky et al. (“Rosansky”). As a preliminary matter, Applicant notes that this

prior art rejection appears to be premised on the Examiner's interpretation of claim 1 that gave rise to the rejection under 35 U.S.C. § 112, first paragraph. The Examiner included the following statement in the Office Action: "To the extent the claims are understood in view of the 35 USC 112 rejection above, note the following prior art rejections." Official Action mailed April 4, 2008, p. 2.

As discussed above, Applicant has amended claim 1 to address the rejection under 35 U.S.C. § 112. Applicant respectfully submits that the amendment to claim 1 also addresses the prior art rejection. Again, amended claim 1 specifies that the claimed cell includes "insulation tape attached to said anode, wherein said anode tab is attached to said anode without any of said insulation tape overlying said anode tab on said first side." Kuroda discloses tape attached to the same side of the anode as the anode tab in certain embodiments and tape attached to both sides of the anode in other embodiments. However, Kuroda fails to disclose any embodiment in which the anode tab is attached to a first side of the anode "without any of said insulation tape overlying said anode tab on said first side." Nor would it have been obvious to modify Kuroda to provide such an arrangement.

As Applicant has previously pointed out, the battery in Kuroda is designed to provide a break in the continuity of the lithium on the inside of an anode strip near the end of the battery's life. Specifically, the battery in Kuroda is designed so that an area of the anode strip is consumed more rapidly than other areas to separate a portion of the anode strip contacting an anode tab from the remaining anode strip. *See* col. 2, lines 30-34 of Kuroda. In stark contrast, localized acceleration of anode depletion and its effects on capacity is what the cell of claim 1 seeks to avoid. *See* p. 2, lines 10-15 and p. 3, lines 1-3 of the present application. Applicant

respectfully submits that, when attempting to solve the same problem as Applicant, it would have been illogical for a person of ordinary skill in the art to consider Kuroda in the first place, much less modify Kuroda based on Applicant's Background Section or Rosansky.

Therefore, for at least the above reasons, Applicant respectfully requests that the rejection of claim 1 and its dependent claims 2-3 and 5-7 under 35 U.S.C. § 103(a) be withdrawn.

### **Conclusion**

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicant does not believe any fees are due in connection with filing this communication. If, however, additional fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,  
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